

**IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF SOUTH
CAROLINA CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No. 2:18-mn-2873-RMG

This Document relates to:

City of Tampa, Florida v. E.I. Dupont de Nemours and Company, et al.,
No. 2:20-cv-01889-RMG (D.S.C.)

CONSENT MOTION FOR LEAVE TO AMEND COMPLAINT

Plaintiff City of Tampa, Florida (“Plaintiff”), by and through its undersigned counsel, moves for leave to amend its operative Complaint pursuant to Fed. R. Civ. P. 15(a)(2) and CMOs 2, 2.A, 3 and 3.C.

1. Federal Courts allow liberal amendment of pleadings when justice so requires. Fed. R. Civ. P. 15(a)(2). The Fourth Circuit Court of Appeals has read Rule 15(a) as requiring “‘free’ allowance: motions to amend are to be granted in the absence of a ‘declared reason’ ‘such as undue delay, bad faith or dilatory motive [. . .], repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party [. . .], futility of amendment, etc.’”

Ward Elecs. Serv., Inc. v. First Commercial Bank, 819 F.2d 496, 497 (4th Cir. 1987).

2. Plaintiff brought this action for damages resulting from PFAS contamination detected in its public drinking water system and at the Tampa Fire Rescue Training Center.

3. On April 1, 2025, the Tampa Fire Rescue Training Center was selected as one of the sites that would undergo limited discovery focused on product identification pursuant to Case Management Order No. 32 (“CMO 32”). Dkt No. 6892.

4. On April 25, 2025, Defendants Tyco Fire Products LP and Chemguard, Inc. (“Tyco/Chemguard”) filed a joint stipulation dismissing with prejudice Plaintiff’s claims against

them based on Plaintiff's participation in the class settlement Tyco/Chemguard reached with public water suppliers. Dkt. No. 7047 & 7047-1. Likewise, on April 29, 2025, Defendant BASF Corporation ("BASF") filed a joint stipulation dismissing with prejudice Plaintiff's claims against it based on Plaintiff's participation in the class settlement BASF reached with public water suppliers.

5. The proposed Second Amended Complaint would add property damage claims against Tyco/Chemguard and BASF solely for the PFAS contamination that exists at the Tampa Fire Rescue Training Center. As part of adding those claims, the proposed Second Amended Complaint would also supplement its factual allegations with: (1) a new paragraph verifying its ownership of the Tampa Fire Rescue Training Center; and (2) new paragraphs in the "Jurisdiction, Venue, and Parties" section confirming that Plaintiff's claims against Tyco/Chemguard and BASF are limited to the alleged property damage resulting from the PFAS contamination that exists at the Tampa Fire Rescue Training Center. The proposed Second Amended Complaint would also revise the case caption to make it consistent with the Clerk's Notice issued on June 6, 2023, requiring that all named defendants be listed in alphabetical order and on separate lines in the caption. *See* Dkt. No. 3268. Lastly, the proposed Second Amended Complaint would remove the allegations and references to three former defendants (Tyco International PLC, Johnson Controls International PLC, and AAA Emergency Supply Co., Inc.) who were dismissed from the case after Plaintiff filed its First Amended Complaint.

6. Enclosed as **Exhibit A** is a redlined version¹ of Plaintiff's proposed Second Amended Complaint, which reflects all revisions made therein. Enclosed as **Exhibit B** is Plaintiff's proposed Second Amended Complaint.

¹ Because Tyco/Chemguard and BASF filed the referenced joint stipulations after its most recent complaint was filed, the claims that Plaintiffs is requesting leave to add against those defendants do not require adding language to

7. Pursuant to L.R. 7.02, Plaintiff's counsel conferred with counsel for Tyco/Chemguard and BASF on the relief requested in this motion. Reserving all rights and defenses, Tyco/Chemguard and BASF consent to the filing of this motion and the relief it requests.

8. Pursuant to paragraph 3 of this Court's Case Management Order No. 2.A, prior to filing this motion, the undersigned conferred with Co-Lead Counsel for Plaintiffs about this motion, and they indicated that they approve the filing of this motion.

9. Because this case has not been selected as a bellwether and remains in an early stage, no other parties will be prejudiced by the proposed amendment.

10. Given the nature of this motion as well as the brief explanation provided herein of its basis, a memorandum of law is not included herewith pursuant to L.R. 7.04.

CONCLUSION

For the reasons set forth herein, Plaintiff requests this honorable Court grant this Motion and provide Plaintiff with leave to proceed with filing the proposed Second Amended Complaint.

Dated: New York, New York
September 19, 2025

Respectfully submitted,

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or deleting language from its current complaint. For ease of reference, Plaintiff has highlighted in green text the allegations specific to Tyco/Chemguard and BASF that it seeks leave to reassert in this case.

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2025, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing upon counsel of record.

/s/ Andrew Croner

Andrew Croner, Esq.